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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,862	04/06/2001	Shinji Kuga	0505-0813P	3205

2292 7590 04/03/2003

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EXAMINER

MCANULTY, TIMOTHY P

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/826,862

Applicant(s)

KUGA ET AL.

Examiner

Timothy P McAnulty

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara in view of Izumi.

Ishihara discloses in figure 4 a V-belt transmission comprising a crankshaft 56; a driving pulley having a fixed pulley half 58 fixed to said crankshaft; a axially movable pulley half 68; a plurality of cooling fins 64 located on said fixed pulley half; an outside air inlet port (un-referenced) arranged opposite said fins; a short sleeve (un-referenced); a ramp plate 76; and a long sleeve 74; wherein said driving pulley coupled to a driven pulley so as to transmit a driving force to said driven pulley wherein the driven pulley is connected to an axel 148 of a wheel drive section of the transmission via a driven shaft 94, a counter shaft 150, and a plurality of transmission gears 140. Ishihara does not disclose said fixed pulley half being fixed to said crankshaft by a bolt. However, Izumi teaches in figure 4, a fixed pulley half of a variable radius pulley fixed to a shaft with a bolt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Ishihara in view of the teachings of Izumi to fix the fixed pulley half to the crankshaft by a bolt engaged in a bolt hole within the crankshaft to provide a greater thread engagement without increasing the overall length of the crankshaft.

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Regarding claims 6 and 18, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a chamfer on the outer edge of the bolt hole as it is old and well known in the art to provide a chamfer on a bolt hole to provide proper thread alignment.

***Response to Arguments***

3. Applicant's arguments filed on 30 January 2003 in Paper No. 11 have been fully considered but they are not persuasive. Izumi clearly teaches the use of a threaded bolt to fix a pulley half to a shaft. Although Izumi discloses the threaded bolt fixing a pulley half to a transmission main shaft, based the teachings of Izumi, it would have been obvious to one of ordinary skill in the art to use a threaded bolt to fix pulley half to a crankshaft. The teaching of Izumi is not merely the use of a threaded bolt to fix a pulley half to a transmission main shaft but more generally the use of a threaded bolt to fix a pulley half to any shaft. As such, the teachings of Izumi are applicable to modify the apparatus of Ishihara to attach a fixed pulley half to a shaft of a vehicle transmission even is such shaft is the crankshaft.

Applicant's traversal filed on 30 January 2003 in Paper No. 11 regarding the Official Notice taken by the Examiner that it is old and well known in the art to provide a chamfer on a bolt hole is not deemed to be seasonably challenged. A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with rebutting the well known statement in the next reply after the Office action in which the well known statement was made. This is necessary because the examiner must be given the opportunity to provide evidence in the next Office action or explain why no evidence is required. See MPEP §2144.03. The Examiner first relied upon Official Notice that it is old and well known in the art to provide a chamfer on a bolt hole in the Office action mailed 28 December

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2001. In Applicant's reply filed 15 March 2002 which was the next reply after the Office action in which the well known statement was made, the applicant did not make a demand for evidence specifically traversing the well known statement. If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm   
March 25, 2003

 4/2/03  
William C. Joyce  
Patent Examiner